

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant  
United States Coast Guard

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16200  
27 February 2020

[REPRESENTATIVES]  
[LAW FIRM]  
[ADDRESS]

RE: Case No. 4222807  
[PARTY]  
[VESSEL]  
Dismissed

Dear [REPRESENTATIVES]:

The Coast Guard Hearing Office has forwarded the files in Civil Penalty Case No. 4222807, which includes your appeal on behalf of Mr. [PARTY], as owner of the [VESSEL]. The appeal is from the action of the Hearing Officer in assessing a \$9,000.00 penalty for the following violations:

<u>LAW/REGULATION</u>	<u>NATURE OF VIOLATION</u>	<u>ASSESSED PENALTY</u>
46 CFR 15.610	Failure to have an uninspected towing vessel over 26 ft in length under the control of a properly licensed individual.	\$5,000.00
46 CFR 16.230(b)	Failure of marine employer to establish program for the chemical testing for dangerous drugs on a random basis of crew members on uninspected vessel.	\$1,000.00
46 USC 2302(a)	COMMERCIAL VESSEL. Operating a vessel in a negligent manner or interfering with the safe operation that endangers life, limb or property of a person.	\$3,000.00

The violations are alleged to have occurred on November 1-2, 2011, when Mr. [PARTY]'s uninspected towing vessel [VESSEL], with Mr. [PARTY] aboard, was operated on the Rappahannock River, and allided with a facility in the vicinity of Tappahannock, Virginia, and later allided with a barge at the Rappahannock mooring buoy.



You appeal the Hearing Officer's denial of your request to reopen the matter with respect to the alleged violation of 46 USC 2302(a). You also appeal the Hearing Officer's findings with respect to all the violations.

Your appeal is granted because materials submitted by you have been lost from the case file. Given the loss of materials from the case file, I am unable to fairly adjudicate the appeal. The case is dismissed.

In accordance with the regulations governing civil penalty proceedings, 33 CFR subpart 1.07, this decision constitutes final agency action.

Sincerely,

L. I. McCLELLAND  
Civil Penalty Appellate Authority  
By direction of the Commandant

Copy: Coast Guard Hearing Office  
Coast Guard Finance Center